

REMARKS

In response to the Final Office Action dated July 3, 2008, Applicants respectfully request reconsideration based on the above claim amendments and the following remarks. Applicants respectfully submit that the claims as presented are in condition for allowance. Prior to entry of this response, Claims 1-12 and 14-25 were pending in the application, of which Claims 1, 24, and 25 are independent. In the Final Office Action dated July 3, 2008, Claims 1-12, 14-17, 19, 21 and 23-25 were rejected under 35 U.S.C. §102(e) and Claims 18, 20, and 22 were rejected under 35 U.S.C. §103(a). Following this response, Claims 1-12 and 14-25 remain in this application. Applicants hereby address the Examiner's rejections in turn.

I. Rejection of Claims 1-17, 19, 21 and 23-25 Under 35 U.S.C. §102(e)

Claims 1-12, 14-17, 19, 21 and 23-25 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,754,874 ("*Richman*"). Claims 18, 20, and 22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Richman* in view of U.S. Patent No. 6,381,744 ("*Nanos*"). Independent Claims 1, 24 and 25 have been amended and Applicants respectfully submit that the amendments overcome this rejection and add no new matter.

According to exemplary embodiments, a scorecard database may be queried with feedback analysis information associated with a given employee and associated with a particular performance category. (See specification page 3, lines 10-12.) Coaching comments associated with performance scores and feedback comments for the particular performance category may be returned from the database in response to the database query. (See specification page 3, lines 12-16.) Furthermore, the coaching

comments may be populated onto a performance scorecard under the particular performance category with which each coaching comment is associated. (See specification page 3, lines 16-17.) Performance scores may be compared against performance for a previous day or week. (See specification, page 10, lines 24-26.) Scores may also be compared against the scores associated with a group of employees, such as comparing a technician's scores against all technicians' scores for a given region. (See specification, page 10, lines 26-31.)

Claim 1, as amended, recites "determining a performance trend for the at least one performance category based on the performance comments" and "determining the coaching comment for the at least one performance category based on the feedback analysis information for the at least one performance category, the determined performance trend for the at least one performance category, and a comparison of the determined performance scores with performance scores for the at least one performance category for at least one second survey subject, wherein determining the coaching comment comprises selecting the coaching comment from a plurality of predefined coaching comments." Amended Claims 24 and 25 each include a similar recitation. Support for these amendments can be found in the specification at least on page 10, lines 19-31.

In contrast, *Richman* at least does not disclose the aforementioned recitation. For example, *Richman* merely discloses that a feedback provider accesses a scorecard through an evaluation system's graphical interface. (See col. 9, lines 10-11.) The feedback provider in *Richman* enters free form text feedback in a comment field and can rate a feedback receiver in each applicable competency area for overall

performance. (See col. 9, lines 11-15.) *Richman* also discloses adding mandatory goals to all feedback receiver's goal setting forms. (See col. 13, lines 1-10.) Custom reports in *Richman* can be obtained by searching for employees who have received poor scores in a particular area. (See col. 18, lines 20-25.) Thus, *Richman* allows a supervisor to generate a summary report of past evaluations according to a performance criteria, but nowhere discloses selecting a predefined coaching comment for a survey subject based on calculated scores, performance trends, and comparisons with other survey subjects. Rather, *Richman* merely discloses the ability to search completed evaluations according to performance scores.

Richman would not have led to the claimed subject matter because *Richman* at least does not disclose "determining a performance trend for the at least one performance category based on the performance comments" and "determining the coaching comment for the at least one performance category based on the feedback analysis information for the at least one performance category, the determined performance trend for the at least one performance category, and a comparison of the determined performance scores with performance scores for the at least one performance category for at least one second survey subject, wherein determining the coaching comment comprises selecting the coaching comment from a plurality of predefined coaching comments," as recited by amended Claim 1. Amended Claims 24 and 25 each include a similar recitation. Accordingly, independent Claims 1, 24 and 25 are each patentably distinguishable over the cited art, and Applicants respectfully request withdrawal of this rejection of Claims 1, 24 and 25.

Dependent Claims 2-12, 14-17, 19, 21, and 23 are also allowable at least for the reasons described above regarding independent Claim 1, and by virtue of their dependency upon independent Claim 1. Accordingly, Applicants respectfully request withdrawal of these rejections of dependent Claims 2-12, 14-17, 19, 21, and 23.

II. Conclusion

In view of the foregoing remarks, Applicant respectfully requests the reconsideration and reexamination of this application and the timely allowance of the pending claims. The preceding arguments are based only on the arguments in the Office Action, and therefore do not address patentable aspects of the claims that were not addressed by the Examiner in the Office Action. The claims may include other elements that are not shown, taught, or suggested by the cited art. Accordingly, the preceding argument in favor of patentability is advanced without prejudice to other bases of patentability. Furthermore, the Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 13-2725.

Respectfully submitted,
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